

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security

Assumption of Executory Contract or unexpired Lease

Lien Avoidance

Last revised: November 14, 2023

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Case No.:

24-20183-RG

LESTER B SMITH, JR.

Judge:

R. GAMBARDILLA

Debtor(s)

**Chapter 13 Plan and Motions**

☒ Original

☐ Modified/Notice Required

Date: 11/11/2024

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

The Court issued a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the Chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY, AND SPECIFY: ☐ 7a / ☐ 7b / ☐ 7 c.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY, AND SPECIFY: ☐ 7a / ☐ 7b / ☐ 7 c.

Initial Debtor(s)' Attorney: /s/AW Initial Debtor: /s/LS Jr. Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay to the Chapter 13 Trustee \$ 185.00 monthly for 36 months starting on the first of the month following the filing of the petition. (If tier payments are proposed) : and then \$ \_\_\_\_\_ per month for \_\_\_\_\_ months; \$ \_\_\_\_\_ per month for \_\_\_\_\_ months, for a total of \_\_\_\_\_ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☒ Loan modification with respect to mortgage encumbering real property:

Description: 420 NORTH WALNUT STREET, EAST ORANGE, NEW JERSEY 07017

Proposed date for completion: JUNE 30, 2025

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. See also Part 4.

☒ If a Creditor filed a claim for arrearages, the arrearages ☐ will / ☒ will not be paid by the Chapter 13 Trustee pending an Order approving sale, refinance, or loan modification of the real property.

e. For debtors filing joint petition:

☐ Debtors propose to have the within Chapter 13 Case jointly administered. If any party objects to joint administration, an objection to confirmation must be timely filed. The objecting party must appear at confirmation to prosecute their objection.

Initial Debtor: /s/ LS Jr. Initial Co-Debtor: \_\_\_\_\_

**Part 2: Adequate Protection** ☒ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor). (Adequate protection payments to be commenced upon order of the Court.)

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s), pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Name of Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2,250.00
DOMESTIC SUPPORT OBLIGATION	ADMINISTRATIVE	BALANCE DUE: \$ N/A

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Name of Creditor	Type of Priority	Claim Amount	Amount to be Paid
NOT APPLICABLE	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.	NOT APPLICABLE	NOT APPLICABLE

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE**

The Debtor will pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Name of Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
CARRINGTON MORTGAGE SERVICES LLC	420 NORTH WALNUT STREET, EAST ORANGE, NEW JERSEY 07017		N/A	Notwithstanding section 1 d of the plan, \$2,000.00 through plan and remainder to be paid through loan modification	Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE**

The Debtor will pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Name of Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
					Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

**c. Secured claims to be paid in full through the plan which are excluded from 11 U.S.C. 506: ☒ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Interest Rate	Amount of Claim	Total to be Paid Including Interest Calculation by Trustee

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid by Trustee

2.) Where the Debtor retains collateral and completes all Plan payments, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the automatic stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 shall be terminated in all respects. The Debtor surrenders the following collateral:

Name of Creditor	Collateral to be Surrendered (identify property and add street address, if applicable)	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan ☒ NONE**

The following secured claims are unaffected by the Plan:

Name of Creditor	Collateral (identify property and add street address, if applicable)

**g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE**

Name of Creditor	Collateral (identify property and add street address, if applicable)	Amount	Interest Rate	Total Amount to be Paid through the plan by Trustee

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Name of Creditor	Basis For Separate Classification	Treatment	Amount to be Paid by Trustee

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Name of Creditor	Arrears to be Cured and paid by Trustee	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment to be Paid Directly to Creditor by Debtor

**Part 7: Motions** ☒ NONE

**NOTE: All plans containing motions must be served on all affected lienholders, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal, and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Name of Creditor	Nature of Collateral (identify property and add street address, if applicable)	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.** ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified



**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

d. Where the Debtor retains collateral, upon completion of the Plan and issuance of the Discharge, affected Debtor may take all steps necessary to remove of record any lien or portion of any lien discharged.

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Chapter 13 Standing Trustee Fees, upon receipt of funds
- 2) Avram D. White, Esq. Counsel to the Debtor
- 3) Carrington Moirtgage Services LLC.
- 4) Unsecured Creditors
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☒ NONE

**NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: \_\_\_\_\_.

Explain below **why** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

**Part 10: Non-Standard Provision(s):**

Non-Standard Provisions:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*.

I certify under penalty of perjury that the above is true.

Date: 11/11/2024

/s/ LESTER B. SMITH Jr.  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

Date: 11/11/2024

/s/ AVRAM D. WHITE  
Attorney for the Debtor(s)

In re:  
Lester B Smith, Jr  
Debtor

Case No. 24-20183-RG  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Nov 12, 2024

User: admin  
Form ID: pdf901

Page 1 of 3  
Total Noticed: 35

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 14, 2024:**

Recip ID	Recipient Name and Address
db	+ Lester B Smith, Jr, 420 N Walnut Street, East Orange, NJ 07017-3917
520423281	Capital One Bank, P.O. Box 83147, Richmond, VA 23285-5147
520423290	+ Deutsche Bank National Trust Company, attn: KML Law Group, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
520423288	+ Deutsche Bank National Trust Company, 1761 East Saint Andrew Place, Santa Ana, CA 92705-4934
520423296	+ First Premier Bank, PO Box 3038, Evansville, IN 47730-3038
520423300	First Premier Bank, attn: NARS Call Center Solutions, PO Box 701, Chesterfield, MO 63006-0701
520423304	+ LVNV Funding, 100 Davison Avenue, Suite 311, Somerset, NJ 08873-1312
520423305	+ LVNV Funding, 2350 North Forest Road, Suite 31B, Getzville, NY 14068-1296
520423311	+ Receivables Professional Management, PO Box 768, Bothell, WA 98041-0768
520423312	+ Receiveables Management, Inc., 992 South Robert St., West Saint Paul, MN 55118-1447
520423313	+ Warner Motor, 20 North Park Street, East Orange, NJ 07017-1119

TOTAL: 11

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Nov 12 2024 22:25:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Nov 12 2024 22:25:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
520423279	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:29:47	Capital One, 15000 Capital One Dr, Richmond, VA 23238
520423283	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:29:51	Capital One Bank, 15000 Capital One Drive, Richmond, VA 23238
520453975	Email/Text: BKBCNMAIL@carringtonms.com	Nov 12 2024 22:22:00	Carrington Mortgage Services LLC, 1600 South Douglas Road, Suite 110+200-A, Anaheim, CA 92806
520423282	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:29:36	Capital One Bank, PO Box 70884, Charlotte, NC 28272-0884
520423280	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:29:48	Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281
520423285	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:30:12	Capital One Bank N.A., PO Box 30281, Salt Lake City, UT 84130-0281
520423284	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:40:51	Capital One Bank N.A., PO Box 30285, Salt Lake City, UT 84130-0285
520423286	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 12 2024 22:29:51	Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281
520423291	+ Email/PDF: ais.fpc.ebn@aisinfo.com		

District/off: 0312-2

User: admin

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Date Rcvd: Nov 12, 2024

Form ID: pdf901

Total Noticed: 35

		Nov 12 2024 22:40:33	First Premier, PO Box 5519, Sioux Falls, SD 57117-5519
520423297	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:29:51	First Premier Bank, 900 West Delaware, PO Box 5519, Sioux Falls, SD 57117-5519
520423295	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:29:49	First Premier Bank, 601 South Minnesota Avenue, Sioux Falls, SD 57104-4868
520423298	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:29:53	First Premier Bank, Attn: Correspondence Department, PO Box 5525, Sioux Falls, SD 57117-5525
520423293	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:30:11	First Premier Bank, PO Box 5114, Sioux Falls, SD 57117-5114
520423294	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:29:34	First Premier Bank, PO Box 5524, Sioux Falls, SD 57117-5524
520423299	Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:30:14	First Premier Bank, 3820 North Louise Avenue, Sioux Falls, SD 57107-0145
520423292	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Nov 12 2024 22:29:37	First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
520423302	+ Email/PDF: resurgentbknotifications@resurgent.com		
		Nov 12 2024 22:29:36	LVNV Funding, PO Box 1269, Greenville, SC 29602-1269
520423303	+ Email/PDF: resurgentbknotifications@resurgent.com		
		Nov 12 2024 22:29:51	LVNV Funding, 15 South Main Street, Greenville, SC 29601-2743
520423306	+ Email/PDF: resurgentbknotifications@resurgent.com		
		Nov 12 2024 22:29:53	LVNV Funding LLC, P. O. Box 740281, Houston, TX 77274-0281
520423308	+ Email/Text: Supportservices@receivablesperformance.com		
		Nov 12 2024 22:25:00	Receivables Performance, 20816 44th Ave W, Lynnwood, WA 98036-7744
520423309	+ Email/Text: Supportservices@receivablesperformance.com		
		Nov 12 2024 22:25:00	Receivables Performance, 20816 44th Avenue West, Lynnwood, WA 98036-7744
520423310	+ Email/Text: Supportservices@receivablesperformance.com		
		Nov 12 2024 22:25:00	Receivables Persormance, 20816 44th Avenue W, Lynnwood, WA 98036-7744

TOTAL: 24

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
520423301		KECIA SMITH
520423307		NONE
520423287	*	Capital One Bank, N.A., PO Box 30281, Salt Lake City, UT 84130-0281
520423289	##+	Deutsche Bank National Trust Company, 801 17th Street, Suite 300, Washington, DC 20006-3960

TOTAL: 2 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

District/off: 0312-2	User: admin	Page 3 of 3
Date Rcvd: Nov 12, 2024	Form ID: pdf901	Total Noticed: 35
Date: Nov 14, 2024	Signature: <u>/s/Gustava Winters</u>	

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 12, 2024 at the address(es) listed below:

Name	Email Address
Avram D White	on behalf of Debtor Lester B Smith Jr clistbk3@gmail.com, adwlawoffice1@gmail.com;crismateo02@gmail.com;lawworkmorris31@gmail.com;whitear82230@notify.bestcase.com
Denise E. Carlon	on behalf of Creditor Deutsche Bank National Trust Company As Indenture Trustee For New Century Home Equity Loan Trust 2006-2 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov
TOTAL: 4	